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EXAMINER	
SHELEHEDA, JAMES R	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PRG

Office Action Summary	Application No. 09/742,507	Applicant(s) GILL ET AL.	
	Examiner James Sheleheda	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-56 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-56 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 21 December 2000 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 3.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 12, 28 and 37 are objected to because of the following informalities:

In claim 12, line 2, "form" should be changed to --from--.

In claim 28, line 3, "user" should be changed to –subscriber household--.

In claim 37, line 4, "the subscriber household" should be changed to --a subscriber household--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 6, 8, 9, 10, 13-17, 23, 24, 26, 27, 31, 38, 41-45 and 47-51 are rejected under 35 U.S.C. 102(b) as being anticipated by Maissel et al. (Maissel) (WO 99/01984).

As to claim 1, Maissel discloses a method for providing user-friendly Electronic Program Guide screens to a subscriber of television or multimedia program (at the subscriber set-top box; page 4, lines 23-31 **or** at the cable headend; page 28, lines 10-31 and page 29, lines 1-2) the method comprising:

monitoring subscriber view activities (page 25, lines 4-13);

collecting raw subscriber selection data based on source material selected by the user (page 25, lines 26-30 and page 26, lines 6-7) over a predetermined period of time (page 18, lines 23-30);

evaluating the raw subscriber selection data to filter out irrelevant data and generate a record of actual subscriber selection data (by ignoring programming watched less then a certain duration; page 26, lines 17-30);

processing the actual subscriber selection data to create a subscriber profile (page 26, lines 8-16);

configuring a customized EPG screen based on the subscriber profile (page 27, lines 23-27 and page 28, lines 10-11), wherein the EPG screen is transmitted to the subscriber (Fig. 2, from Intelligent Agent 130 to Display Apparatus 150; page 20, lines 19-27 **or** Fig. 8a, from Headend 340 to the subscriber site 380; page 29, lines 3-9).

As to claim 42, Maissel discloses a data processing system for generating a customized electronic program guide for a subscriber of television programming (done at the subscriber set-top box; page 4, lines 23-31 **or** at the cable headend; page 28, lines 10-31 and page 29, lines 1-2), the data processing system comprising:

A storage medium (Fig. 2, profile storage unit 140 **or** Fig. 8a, profile storage unit 370);

means for monitoring subscriber activity (page 25, lines 4-13) and creating a record of raw subscriber selection data wherein the raw subscriber selection data

corresponding to the source material selected by the subscriber (page 25, lines 26-30 and page 26, lines 6-7);

means for evaluating the raw subscriber selection data and filtering out the selection data associated with irrelevant activities (by ignoring programming watched less then a certain duration; page 26, lines 17-30) and for creating a record of actual subscriber data (new profile information which is added to a profile; page 26, lines 17-30 and page 23, lines 30-31 and page 24, lines 1-11);

means for retrieving source related information (program characteristics) wherein the source related information contains descriptive fields corresponding to the actual subscriber selection data (page 18, lines 18-27);

means for processing the actual subscriber selection data with respect to the descriptive fields to form a subscriber profile (page 26, lines 8-16);

means for receiving the subscriber profile (page 24, lines 7-11 **or** page 29, lines 3-9) and generating a customized EPG screen based on the subscriber profile (page 27, lines 23-27 and page 28, lines 10-11).

As to claims 2 and 43, Maissel discloses wherein the EPG screen includes information about one or more program channels (Fig. 9A; page 30, lines 28-31 and page 31, lines 1-6).

As to claims 3 and 44, Maissel discloses wherein program channels are arranged in an order of preference based on the subscriber profile (Fig. 9C; page 31, lines 1-3 and lines 21-25).

As to claim 4, Maissel discloses **determining** one or more channels that may be of interest to the subscriber (page 27, lines 28-31 and page 28, lines 1-11); and **rearranging** the EPG screen to present the channels of interest first (page 31, lines 21-25).

As to claim 6, Maissel discloses wherein said monitoring comprises monitoring channel change commands initiated by the subscriber (page 25, lines 4-8).

As to claim 8, Maissel discloses wherein said collecting comprises extracting source related text from the source material (page 16, lines 24-31, page 17, lines 1-16 and page 18, lines 18-30).

As to claim 9, Maissel discloses wherein the source related text includes one or more descriptive fields (page 16, lines 24-31, page 17, lines 1-16 and page 18, lines 18-30).

As to claim 10, Maissel discloses wherein the source related text is extracted from an electronic program guide of the source material (page 18, lines 18-30).

As to claims 13 and 45, Maissel discloses wherein said collecting (or means for monitoring subscriber activity) further comprises monitoring time durations corresponding to viewing times of selected source material (page 26, lines 17-30).

As to claim 14, Maissel discloses wherein said evaluating comprises evaluating channel change commands and associated viewing times (page 26, lines 17-30).

As to claim 15, Maissel discloses filtering out any channel change commands if the associated viewing times are below a pre-determined threshold (page 26, lines 23-30).

As to claim 16, Maissel discloses wherein the filtered out channel change commands correspond to channel surfing activities (page 26, lines 17-30).

As to claims 17 and 50, Maissel discloses wherein the filtered out channel change commands correspond to channel jumping activities (page 26, lines 23-30) (wherein "channel jumping" is defined by applicant as programming viewed for a very brief time; see applicant's disclosure at page 18, lines 19-27).

As to claim 51, Maissel discloses wherein the channel jumping activities are recognized by recognizing the channel change commands issued by the subscriber

(page 25, lines 4-8) and then evaluating the associated channel numbers and viewing times page 26, lines 23-30).

As to claims 23 and 47, Maissel discloses wherein said processing further comprises processing subscriber selection data based on a pre-determined set of heuristic rules (page 20, lines 1-18).

As to claim 24, Maissel discloses wherein the heuristic rules are described in logical forms (page 20, lines 12-18).

As to claim 26, Maissel discloses wherein the subscriber profile is a profile based on the user interests (user programming interests; page 18, lines 18-30 and page 19, lines 1-8).

As to claim 27, Maissel discloses wherein the subscriber belongs to a household (multiple subscribers using a single unit; page 18, lines 9-17 and page 20, lines 19-27) and the subscriber profile is a profile based on the interests of the user household (programming interests; page 18, lines 18-30 and page 19, lines 1-8).

As to claim 31, Maissel discloses wherein the subscriber profile is a program preference profile for the subscriber (page 18, lines 18-30 and page 19, lines 1-8), the

program preference profile indicating the type of programming of interest to the subscriber (page 18, lines 18-30 and page 19, lines 1-8).

As to claim 38, Maissel discloses wherein the subscriber profile is controlled by the subscriber (page 19, lines 9-18).

As to claim 41, Maissel discloses analyzing the subscriber profile to estimate user-viewing habits (such as a desire to channel surf; page 27, lines 6-9).

As to claim 48, Maissel discloses wherein the means for evaluating filters out the selection data associated with channel surfing activities (page 26, lines 17-30).

As to claim 49, Maissel discloses wherein the channel surfing activities are recognized by recognizing the channel change commands issued by the subscriber (page 25, lines 4-8 and page 26, lines 17-21) and then evaluating the associated viewing times (page 26, lines 17-30).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 5, 7, 32, 39 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maissel, in view of Alexander et al. (Alexander) (6,177,931).

As to claims 5 and 46, while Maissel discloses the monitoring of a subscriber's control commands (page 25, lines 4-8), he fails to specifically disclose wherein said monitoring comprises monitoring volume control commands initiated by the subscriber.

In a related field of endeavor, Alexander discloses an EPG using a viewer profile to determine user preferences (column 29, lines 56-67) which monitors volume changes by a viewer (column 28, lines 46-52) for the typical advantage of obtaining specific details (such as volume preferences) in regards to a user to obtain a more accurate user profile (column 29, lines 56-60).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Maissel's system to include wherein said monitoring comprises monitoring volume control commands initiated by the subscriber, as taught by Alexander, for the typical advantage of obtaining specific details (such as volume preferences) in regards to a user to obtain a more accurate user profile.

As to claim 7, while Maissel discloses the monitoring of a subscriber's control commands (page 25, lines 4-8), he fails to specifically disclose wherein said monitoring comprises monitoring record signals.

In a related field of endeavor, Alexander discloses an EPG using a viewer profile to determine user preferences (column 29, lines 56-67) which monitors record instructions made by a viewer (column 28, lines 44-46) for the typical advantage of

obtaining specific details (such as recorded programming) in regards to a user to obtain a more accurate user profile (column 29, lines 56-67).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Maissel's system to include wherein said monitoring comprises monitoring record signals, as taught by Alexander, for the typical advantage of obtaining specific details (such as recorded programming) in regards to a user to obtain a more accurate user profile.

As to claim 32, while Maissel discloses a subscriber profile, he fails to specifically disclose wherein the profile is a product preference profile for the subscriber.

In a related field of endeavor, Alexander discloses an EPG processing user characteristics to obtain a viewer profile (column 29, lines 56-67) which includes product preferences (column 30, lines 17-28) for the typical advantage of obtaining information relating to which product advertisements to display for a particular user (column 30, lines 29-44).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Maissel's system to include wherein the profile is a product preference profile for the subscriber, as taught by Alexander, for the typical advantage of obtaining information relating to which product advertisements to display for a particular user.

As to claim 39, while Maissel discloses a subscriber profile, he fails to specifically disclose wherein the subscriber profile is analyzed by a third party for the purposes of marketing and advertising.

In a related field of endeavor, Alexander discloses an EPG which transmits a user profile to advertisers for analysis (column 33, lines 9-15) for the typical advantage of enabling advertisers to customize their marketing (column 33, lines 11-15).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Maissel's system to include wherein the subscriber profile is analyzed by a third party for the purposes of marketing and advertising, as taught by Alexander, for the typical advantage of enabling advertisers to customize their marketing.

6. Claims 20-22, 25, 28-30, 33, 34, 36, 37, 54 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maissel as applied to claims 1, 23 and 42 above, and further in view of Knee.

As to claim 20, while Maissel discloses wherein said processing comprises extracting and storing program characteristics based on the subscriber selection data, he fails to specifically disclose generating one or more program characteristics vectors.

In a related field of endeavor, Knee discloses an EPG (paragraph 17) which will construct a demographic profile for a user (Fig. 2, paragraph 30) by using generated values (or program characteristics vectors) based upon viewer programming selections

(Fig. 4; paragraph 36) for the typical advantage of creating a profile which can accurately associate a viewer with various categories (paragraphs 29-30).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Maissel's system to include generating one or more program characteristics vectors, as taught by Knee, for the typical advantage of creating a profile which can accurately associate a viewer with various categories.

As to claim 21, Maissel and Knee disclose wherein the program characteristics vectors are one or more values characterizing the source material (See Knee at Fig. 4; paragraph 36).

As to claim 22, while Maissel discloses wherein said processing comprises extracting and storing program characteristics based on the subscriber selection data, he fails to specifically disclose wherein said processing corresponds to an n-dimensional program characteristics matrix comprising one or more program characteristics vectors.

In a related field of endeavor, Knee discloses an EPG (paragraph 17) which will construct a demographic profile for a user (Fig. 2) using an n-dimensional characteristics matrix (Fig. 4; paragraph 36) comprising a plurality of program characteristics vectors (paragraph 30) for the typical advantage of creating a profile which can accurately associate a viewer with various categories (paragraphs 29-30).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Maissel's system to include wherein said processing corresponds to an n-dimensional program characteristics matrix comprising one or more program characteristics vectors, as taught by Knee, for the typical advantage of creating a profile which can accurately associate a viewer with various categories.

As to claim 25, while Maissel discloses wherein said processing further comprises processing subscriber selection data based on a pre-determined set of heuristic rules, he fails to specifically disclose wherein the heuristic rules are expressed as conditional probabilities.

In a related field of endeavor, Knee discloses an EPG (paragraph 17) which will construct a demographic profile for a user (Fig. 2) using heuristic rules which are expressed as conditional probabilities (Fig. 4; paragraph 36) for the typical advantage of creating a profile which can accurately associate a viewer with various categories (paragraphs 29-30).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Maissel's system to include wherein the heuristic rules are expressed as conditional probabilities, as taught by Knee, for the typical advantage of creating a profile which can accurately associate a viewer with various categories.

As to claim 28, while Maissel discloses wherein the subscriber belongs to a household (multiple subscribers using a single unit; page 18, lines 9-17 and page 20,

lines 19-27) and the subscriber profile holds subscriber preferences, he fails to specifically disclose wherein the profile is a demographic profile for the user, the demographic profile indicating the probable age, income, gender, and other demographics.

In a related field of endeavor, Knee discloses an EPG (paragraph 17) which will construct a demographic profile for a user (Fig. 2) indicating probable age, income, gender and other demographics (Fig. 2; paragraph 29) for the typical advantage of enabling advertising to be targeted based upon desired demographic groups (paragraph 32).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Maissel's system to include wherein the profile is a demographic profile for the user, the demographic profile indicating the probable age, income, gender, and other demographics, as taught by Knee, for the typical advantage of enabling advertising to be targeted based upon desired demographic groups.

As to claim 29, while Maissel discloses wherein the subscriber selection data corresponds to a viewing session (wherein a new viewer first begins a viewing session; page 25, lines 4-8 and page 26, lines 11-16) and the subscriber profile is a session preference profile for a user (page 18, lines 18-30 and page 19, lines 1-8), he fails to specifically disclose wherein the profile is a demographic profile.

In a related field of endeavor, Knee discloses an EPG (paragraph 17) which will construct a demographic profile for a user (Fig. 2; paragraph 29) for the typical

advantage of enabling advertising to be targeted based upon desired demographic groups (paragraph 32).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Maissel's system to include wherein the profile is a demographic profile, as taught by Knee, for the typical advantage of enabling advertising to be targeted based upon desired demographic groups.

As to claim 30, while Maissel discloses wherein the subscriber selection data corresponds to a plurality of viewing sessions (page 18, lines 18-30 and page 19, lines 1-8), he fails to specifically disclose wherein the subscriber profile is an average demographic profile for the subscriber.

In a related field of endeavor, Knee discloses an EPG (paragraph 17) which will construct a demographic profile for a user (Fig. 2) based upon a weighted average of values associated with user inputs (paragraphs 39-40) for the typical advantage of ensuring accuracy of the profile by utilizing numerous viewer inputs (paragraph 43).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Maissel's system to include wherein the subscriber profile is an average demographic profile for the subscriber user, as taught by Knee, for the typical advantage of ensuring accuracy of the profile by utilizing numerous viewer inputs.

As to claims 33 and 54, while Maissel discloses wherein the subscriber belongs to a household (multiple subscribers using a single unit; page 18, lines 9-17 and page 20, lines 19-27) and the subscriber profile holds subscriber preferences, he fails to specifically disclose wherein the profile comprises demographic data indicating probabilistic measurements of demographics.

In a related field of endeavor, Knee discloses an EPG (paragraph 17) which will construct a profile for a viewer which comprises demographic data (Fig. 2) which indicates probabilistic measurements of demographics (paragraphs 30-31) for the typical advantage of enabling advertising to be targeted based upon desired demographic groups (paragraph 32).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Maissel's system to include wherein the profile comprises demographic data indicating probabilistic measurements of demographics, as taught by Knee, for the typical advantage of enabling advertising to be targeted based upon desired demographic groups.

As to claims 34 and 55, while Maissel discloses wherein the subscriber belongs to a household (multiple subscribers using a single unit; page 18, lines 9-17 and page 20, lines 19-27) and the subscriber profile comprises household program preference information indicating household program interests (page 18, lines 18-30 and page 19, lines 1-8), he fails to specifically disclose wherein the preference information indicates probabilistic measurements of program interests.

In a related field of endeavor, Knee discloses an EPG (paragraph 17) which will construct a profile for a viewer (Fig. 2) which comprises program preference information indicating probabilistic measurements of program interests (Fig. 2; paragraph 30) for the typical advantage of enabling advertising to be targeted to a viewer most likely to be interested (paragraphs 46 and 47).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Maissel's system to include wherein the preference information indicates probabilistic measurements of program interests, as taught by Knee, for the typical advantage of enabling advertising to be targeted to a viewer most likely to be interested.

As to claim 36, while Maissel discloses wherein the subscriber selection data corresponds to a viewing session (wherein a new viewer first begins a viewing session; page 25, lines 4-8 and page 26, lines 11-16) of the subscriber household (multiple subscribers using a single unit; page 18, lines 9-17 and page 20, lines 19-27) and the subscriber profile is a session preference profile for the subscriber household (page 18, lines 18-30 and page 19, lines 1-8), he fails to specifically disclose wherein the profile is a demographic profile.

In a related field of endeavor, Knee discloses an EPG (paragraph 17) which will construct a demographic profile for a user (Fig. 2; paragraph 29) for the typical advantage of enabling advertising to be targeted based upon desired demographic groups (paragraph 32).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Maissel's system to include wherein the profile is a demographic profile, as taught by Knee, for the typical advantage of enabling advertising to be targeted based upon desired demographic groups.

As to claim 37, while Maissel discloses wherein the subscriber selection data corresponds to a plurality of viewing sessions (page 18, lines 18-30 and page 19, lines 1-8) and the subscribe profile is a profile for a subscriber household (multiple subscribers using a single unit; page 18, lines 9-17 and page 20, lines 19-27), he fails to specifically disclose wherein the subscriber profile is an average demographic profile for the subscriber.

In a related field of endeavor, Knee discloses an EPG (paragraph 17) which will construct a demographic profile for a user (paragraphs 34-36) based upon a weighted average of values associated with user inputs (paragraphs 39-40) for the typical advantage of ensuring accuracy of the profile by utilizing numerous viewer inputs (paragraph 43).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Maissel's system to include wherein the subscriber profile is an average demographic profile for the subscriber user, as taught by Knee, for the typical advantage of ensuring accuracy of the profile by utilizing numerous viewer inputs.

7. Claims 35 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maissel as applied to claims 1 and 42 above, and further in view of Knee and Alexander.

As to claims 35 and 56, while Maissel discloses wherein the subscriber belongs to a household (multiple subscribers using a single unit; page 18, lines 9-17 and page 20, lines 19-27) and the subscriber profile comprises household preference information indicating household interests (programming interests; page 18, lines 18-30 and page 19, lines 1-8), he fails to specifically disclose wherein the profile contains probabilistic measurements of household product interests.

In a related field of endeavor, Knee discloses an EPG (paragraph 17) which will construct a profile for a viewer (Fig. 2) which comprises preference information indicating probabilistic measurements of interests (Fig. 2; paragraph 30) for the typical advantage of enabling advertising to be targeted to a viewer most likely to be interested (paragraphs 46 and 47).

Additionally, in a related field of endeavor, Alexander discloses an EPG processing user characteristics to obtain a viewer profile (column 29, lines 56-67) which includes product preferences (column 30, lines 17-28) for the typical advantage of obtaining information relating to which product advertisements to display for a particular user (column 30, lines 29-44).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Maissel's system to include wherein the preference information indicates probabilistic measurements of interests, as taught by Knee, for the

typical advantage of enabling advertising to be targeted to a viewer most likely to be interested.

Additionally, It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Maissel and Knee's system to include wherein the profile is a product preference profile for the subscriber, as taught by Alexander, for the typical advantage of obtaining information relating to which product advertisements to display for a particular user.

8. Claims 18, 19, 52 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maissel as applied to claim 1 above, and further in view of Lawler (5,758,259).

As to claims 18 and 52, while Maissel discloses wherein said evaluating comprises evaluating viewing times and filtering out any viewing periods that are less then a certain threshold (page 26, lines 23-30), he fails to disclose filtering viewing periods in which no user activity has been received within a pre-determined period of time.

In a related field of endeavor, Lawler discloses an EPG which builds a viewer preference table based upon user viewing activities (column 2, lines 20-37) which will stop keeping track of viewed programming if a user entry is not received in a certain time frame (column 10, lines 11-19) for the typical advantage improving the accuracy of the stored viewing history (column 10, lines 11-14).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Maissel's system to include filtering viewing periods in which no user activity has been received within a pre-determined period of time, as taught by Lawler, for the typical advantage improving the accuracy of the stored viewing history.

As to claim 19, Maissel and Lawler disclose wherein the filtered out viewing periods correspond to dead periods implying that the subscriber is not actively watching the television or multimedia programming (wherein the subscriber is not present; See Lawler at column 10, lines 11-19).

As to claim 53, Maissel and Lawler disclose wherein the dead periods are recognized by recognizing the channel change commands issued by the subscriber (wherein evaluation to determine a dead period must occur after a program selection command; see Lawler at column 9, lines 28-32) and then evaluating the associated viewing times (wherein the viewing time on the currently chosen channel is evaluated; see Lawler at column 10, lines 6-19).

9. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maissel as applied to claim 8 above, and further in view of Zigmond et al. (Zigmond) (6,571,392).

As to claim 11, while Maissel discloses wherein source related text is extracted from the source material, he fails to specifically disclose wherein the related text is HTML.

In a related field of endeavor, Zigmond discloses an interactive television system (Fig. 2) wherein data transmitted with television programming over the VBI of a television signal is in the HTML format (column 5, lines 34-45) for the typical advantage of allowing the reception of web page information to augment a television program (column 3, lines 28-33).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Maissel's system to include wherein the related text is HTML, as taught by Zigmond, for the typical advantage of allowing the reception of web page information to augment a television program.

10. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maissel as applied to claim 8 above, and further in view of Goldman et al. (Goldman) (US2003/0135853).

As to claim 12, while Maissel discloses wherein source related text is extracted from the source material, he fails to specifically disclose wherein the related text is extracted from the closed captioning information.

In a related field of endeavor, Goldman discloses an EPG monitors a user's viewing habits which are stored in a user profile (paragraph 13) wherein keywords are extracted from closed captioning information to determine the subject matter of viewed

programming (paragraph 62) for the typical advantage of enabling closed caption information to be used to determine the programming interests of a viewer (paragraph 63, lines 12-16 and paragraph 61).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Maissel's system to include wherein the related text is extracted from the closed captioning information, as taught by Goldman, for the typical advantage of enabling closed caption information to be used to determine the programming interests of a viewer.

11. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maissel as applied to claim 1 above, and further in view of Herz (6,029,195).

As to claim 40, while Maissel discloses the storing of a subscriber profile, he fails to disclose wherein access to the subscriber profile is limited to a selected number of other parties.

In a related field of endeavor, Herz discloses a communication system using a viewer profile to identify electronic media of interest to the viewer (column 5, lines 21-30) wherein the viewer controls the number of outside advertisers who have access to the profile (column 5, lines 52-61) for the typical advantage of ensuring the protection of a viewer's privacy (column 5, lines 40-52).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Maissel's system to include wherein access to the

subscriber profile is limited to a selected number of other parties, as taught by Herz, for the typical advantage of ensuring the protection of a viewer's privacy.

Conclusion

12. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

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13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sheleheda whose telephone number is (703) 305-8722. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the primary examiner, Chris Grant can be reached on (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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James Sheleheda
Patent Examiner
Art Unit 2614

JS

Chris Grant

CHRIS GRANT
PRIMARY EXAMINER